THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.3695 of 2007

Date: 26.02.2007

Between:

Mrs. R.Mani.

....Petitioner

And

The Chief Electoral Officer & Election Officer, Andhra Pradesh, Hyderabad and others.

.Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.3695 of 2007

O R D E R:

The petitioner is a resident of Lakshmivarapupeta, West Godavari District, which is part of Eluru Assembly Constituency. Her name was included at Serial No.248, in the voters' list of the said Constituency, in the year 2004. However, in the revision of voters' list for the subsequent years, her name did not find place. The petitioner intended to file nomination to the on going elections to the A.P. Legislative Council, to be elected as Member from Graduates' Constituency of East and West Godavari Districts. Since her name did not appear in the voters' list, she filed this writ petition seeking a direction to the respondents to consider her request for restoration/inclusion of her name in the electoral rolls of the year 2005-06.

Sri P.Sri Raghuram, the learned counsel for the petitioner submits that the name of his client was removed from the electoral roll of the Eluru Assembly Constituency,

without any basis, and though she had made several representations, her name was not included. He contends that the respondents are citing Circular, dated 15.03.2007, issued by the Election Commissioner and it, in fact, does not come in the way of the inclusion of the name of the petitioner in the list.

Learned Government Pleader for General Administration submits that the petitioner did not take any steps, to get her name included in the electoral roll of the concerned assembly constituency and the possibility to include the name exists, only till the last date of filing of nominations. He contends that since the said date had expired, no relief can be granted to the petitioner.

Before examining whether the petitioner can be granted relief, it is necessary to consider the nature of relief, as such. The petitioner prayed for a direction to the respondents, to consider her request for inclusion of her name in the “electoral rolls of 2005-06 for the Graduate Constituency of East and West Godavari Districts”. Obviously, there is an error, as regards the description of the electoral roll. Section 6 of the Representation of Peoples Act, 1951 directs that only such of the candidates, whose names find place in the electoral roll of an Assembly Constituency of the State, shall be entitled to

file nominations. Further, the electoral rolls for the Graduates Constituency of the East and West Godavari Districts were prepared in the recent past and the question of there being rolls for that Constituency in the year 2005-06, does not arise. Therefore, the request of the petitioner needs to be understood as the one for inclusion of her name in the electoral roll of Assembly Constituency for the year 2006.

The reasons, on account of which, the name of the petitioner was deleted from the electoral roll of Eluru Assembly Constituency, subsequent to the year 2004, are not before this Court. If the petitioner was of the view that the exclusion of her name is without any basis, she ought to have taken immediate steps, provided for under the Representation of Peoples Act, 1950 and the rules made thereunder. Section 23 thereof permits inclusion of the names, till the last date of filing of nominations. The Writ Petition was filed on 23.02.2007, by which time, the last date of filing of nominations had expired. Therefore, no relief can be granted to the petitioner.

The Writ Petition is, accordingly, dismissed. There shall be no order as to costs.

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26.02.2007

JSU